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USWEST

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September 17, 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Enclosed are an original, sixteen copies, and a diskette copy of U S WEST's Reply Comments in CC 97-146. These Reply Comments are being filed in response to August 18, 1997 Comments to the Notice of Proposed Rulemaking, FCC 97-219, released June 19, 1997. Please date stamp and return the duplicate copy also provided with this filing.

Should you have any questions regarding the diskette, please call me at the above number.

Sincerely,



Rebecca W. Ward

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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SEP 17 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Complete Detariffing for)
Competitive Access Providers and) CC Docket No. 97-146
Competitive Local Exchange Carriers)

REPLY COMMENTS OF U S WEST, INC.

U S WEST, Inc. ("U S WEST") hereby submits its reply comments in response to the Federal Communications Commission's ("Commission") Notice of Proposed Rulemaking in the above-referenced docket.¹

With the exception of one party, every commenter in this proceeding supports the Commission's adoption of a permissive detariffing policy for interstate exchange access services and opposes the Commission's tentative proposal to require mandatory detariffing of such services.² U S WEST supports the position of these parties that permissive detariffing is preferable to mandatory detariffing at this point in time.

U S WEST agrees with the overwhelming majority of commenters that

¹ In the Matters of Hyperion Telecommunications, Inc. Petition Requesting Forbearance, CCB/CPD No. 96-3, Time Warner Communications Petition for Forbearance, CCB/CPD No. 96-7, Complete Detariffing for Competitive Access Providers and Competitive Local Exchange Carriers, CC Docket No. 97-146, Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 97-219, rel. June 19, 1997. Comments were filed Aug. 18, 1997.

² Ad Hoc Telecommunications Users Committee, et al. was the lone commenter filing in support of the Commission's proposed mandatory detariffing policy.

complete and mandatory detariffing would be premature and disruptive.³ As the Commission itself acknowledged, the Commission's decision requiring mandatory detariffing of interstate, interexchange services has been stayed pending review of the decision by the D.C. Circuit.⁴ Therefore, the Commission should not attempt to extend its mandatory detariffing policy before the Court has determined whether the Commission has the statutory authority to prohibit the filing of tariffs. Moreover, as a practical matter, a total prohibition on the filing of formal interstate tariffs would greatly increase carrier transaction costs by requiring literally millions of individual customer contracts.

As U S WEST previously noted in the context of the interstate, interexchange service detariffing proceeding, permissively filed tariffs serve as an efficient and useful mechanism for common carriers to provide general offerings to large numbers of customers.⁵ In addition, tariffs afford a method of clarifying in advance the legal rights of both carriers and customers in situations where the parties have no pre-existing contractual relationship. Accordingly, the Commission should give carriers the flexibility to make a business decision that offering their interstate exchange access services via tariffs is, in some cases, the optimal method of communicating the terms and conditions of their service offerings to customers.

U S WEST fully supports the Commission's efforts to exercise its forbearance

³ See, e.g., United States Telephone Association Comments at 1; SBC Communications Inc. Comments at 2.

⁴ MCI Telecom Corp. et al. v. FCC, 96-1459 (D.C. Cir., Feb. 13, 1997).

⁵ See generally U S WEST, Inc. Comments filed Apr. 25, 1996, CC Docket No. 96-61.

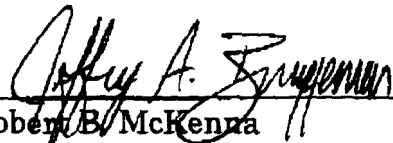
authority in a manner that reduces administrative burdens and provides carriers with greater flexibility to compete in the marketplace. In this instance, however, the appropriate regulatory relief is permissive detariffing. U S WEST urges the Commission not to focus its deregulatory efforts on mandatory detariffing when nearly every affected carrier has expressed a strong preference for filing permissive tariffs.⁶ Instead, the Commission should focus on the critical issue of achieving parity in its tariffing policies.

For these reasons, the Commission should adopt a permissive detariffing policy for interstate exchange access.

Respectfully submitted,

U S WEST, INC.

By:


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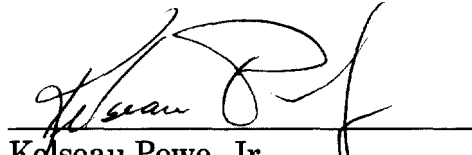
Of Counsel,
Dan L. Poole

September 17, 1997

⁶ Both the Hyperion Telecommunications, Inc. and the Time Warner Communications petitions for forbearance, which precipitated this rulemaking proceeding, sought permissive detariffing of their interstate exchange access services as opposed to mandatory detariffing.

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 17th day of September, 1997, I have caused a copy of the foregoing **REPLY COMMENTS OF U S WEST, INC.*** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.**


Kelseau Powe, Jr.

*Pursuant to the June 19, 1997 Notice of Proposed Rulemaking (FCC 97-219), paragraph 50, an electronic version of this filing is submitted to the Office of the Secretary, on a 3x5 inch diskette, along with a cover letter

**Served via hand-delivery

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